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4
5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE DISTRICT OF ARIZONA

7 United States of America,)
8 Plaintiff,) No. 09-332-M
9 vs.)
10) **ORDER**
11 Miguel Alvarado-Ulloa,)
12 aka Miguel Ulloa Alvarado,)
13 aka Miguel Alvarado Ulloa,)
Defendant.)

14 Having considered the Parties' Joint Motion to allow the government additional time
15 under the Speedy Trial Act to file an indictment, the Court finds that the ends of justice served
16 by granting the extension outweigh the best interest of the public and the defendant in a speedy
17 trial. 18 U.S.C. § 3161(h)(8)(A).

18 In making this finding, the Court has considered each of the factors specified in 18
19 U.S.C. § 3161(h)(8)(B). In addition, the Court has considered the following:

- 20 1. Counsel has only recently been appointed;
21 2. The defendant wishes to consider the plea offer extended by the
22 government;
23 3. The defendant wishes to investigate possible defenses prior to
24 considering the government's plea offer, which is made pursuant to
25 a "fast track" early disposition program authorized by the
26 Department of Justice pursuant to § 401(m) of the Prosecuting
27 Remedies and Tools Against the Exploitation of Children Today
28 Act of 2003 (PROTECT Act), Pub. L. 108-21, 117 Stat. 650 (Apr.
30, 2003);
4. The government's plea offer, if accepted by the defendant and then
the court, would likely reduce defendant's exposure to a significant
term of imprisonment;
5. If the defendant does not timely accept the plea offer prior to
indictment, the government will withdraw said plea offer and any

1 subsequent plea offer after indictment would likely be less
2 advantageous to the defendant;

3 6. Failure to extend time for indictment in this instance would thus
4 operate to bar defendant from reviewing the government's plea
5 offer in a meaningful way prior to indictment; and

6 7. Granting an extension of time for indictment in this case is likely
7 to result in the case being resolved earlier, which would further the
8 public's interest in the timely and efficient administration of
9 justice; and

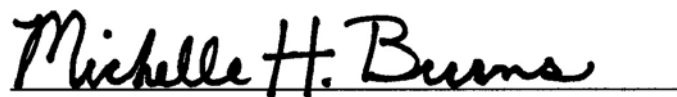
10 8. The ends of justice served by this continuance outweigh the best
11 interest of the public and the defendant in a speedy indictment.

12 The Court therefore concludes that the ends of justice are best served by granting an
13 extension of time to present the case to the grand jury and in excluding a period of thirty (30)
14 days under the Speedy Trial Act. In making this determination, the Court has particularly taken
15 into account that the failure to grant the defendant's request "would deny counsel for the
16 defendant. . .the reasonable time necessary for effective preparation, taking into account the
17 exercise of due diligence." 18 U.S.C. § 3161(h)(8)(B)(iv).

18 **IT IS ORDERED** that the Joint Motion to Extend Time to Indict (Doc. #2), requesting
19 an extension of thirty (30) days within which the government may seek to indict defendant, is
20 hereby granted.

21 **IT IS FURTHER ORDERED** that pursuant to the Speedy Trial Act, 18 U.S.C. § 3161,
22 the Government shall have an extension of thirty (30) days to file a timely Indictment.
23 Excludable time shall begin to run on the 31st day after arrest for a period of thirty (30) days
24 in which the government may present the case to the grand jury.

25 DATED this 10th day of July, 2009.

26 

27 Michelle H. Burns
28 United States Magistrate Judge